

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|                           |   |                       |
|---------------------------|---|-----------------------|
| YOUTOO TECHNOLOGIES, LLC, | ) |                       |
|                           | ) |                       |
| Plaintiff,                | ) |                       |
|                           | ) |                       |
| vs.                       | ) | Case No. CIV-17-728-M |
|                           | ) |                       |
| TWITTER, INC.,            | ) |                       |
|                           | ) |                       |
| Defendant.                | ) |                       |

**ORDER**

On July 10, 2017, defendant filed a Motion to Compel Covenant Global Alpha Fund, L.P. to Produce Documents Pursuant to Fed. R. Civ. P. 45 and Brief in Support. Nonparty Covenant Global Alpha Fund, L.P. ("Covenant") has filed a response, and defendant has filed a reply.

In its response, Covenant states that after defendant had been provided with Covenant's complete document production, it asked defendant to withdraw its motion to compel, which defendant refused to do. Covenant further states that on August 4, 2017, its counsel<sup>1</sup> conferred with defendant in an attempt to resolve the matter and thereafter did a search to ensure it had produced all responsive documents, and on August 9, 2017, Covenant again informed defendant that it had produced all responsive documents and requested that defendant withdraw its motion, but defendant refused to respond. Because it has already voluntarily produced its responsive documents, Covenant asserts this Court should deny defendant's motion to compel as moot.

In its reply, defendant asserts that Covenant has only produced a handful of agreements between certain Covenant and Youtoo affiliates and has not produced any email or other communications at all. Defendant further asserts that Covenant's response provides no


---

<sup>1</sup> Covenant changed counsel at some point after defendant filed the instant motion to compel.

explanation whatsoever for omitting certain categories of documents for which documents would normally exist. Additionally, defendant contends that Covenant has failed to provide any description or explanation of its search for responsive documents, including whether it even attempted to get documents from Covenant's former general partner, Covenant Financial Services, LLC. Finally, defendant asserts that it should not be required to accept Covenant's self-serving *ipse dixit*.

Having reviewed the parties' submissions, the Court finds that defendant's motion to compel is moot. Specifically, the Court finds that because Covenant has produced all responsive documents it has, there are no other documents this Court could compel Covenant to produce.<sup>2</sup> Accordingly, the Court DENIES defendant's Motion to Compel Covenant Global Alpha Fund, L.P. to Produce Documents Pursuant to Fed. R. Civ. P. 45 [docket no. 1].

**IT IS SO ORDERED this 25th day of August, 2017.**

  
VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE

---

<sup>2</sup> The Court would note that if defendant believes Covenant Financial Services, LLC has documents and/or information relevant to the litigation pending in the United States District Court for the Northern District of Texas, defendant can subpoena those documents/information from Covenant Financial Services, LLC.